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February 8, 2002

RECEIVED

OUR FILE NO.
20828-00101-65
1554-101-65

FEB - 8 2002

William F. Caton, Acting Secretary
Federal Communications Commission
C/o Vistrionix, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY


RE: Petition for Rulemaking
Roanoke Rapids, North Carolina

Dear Mr. Caton:

Transmitted herewith, on behalf of MainQuad Communications, Inc., are an original and four copies of a **PETITION FOR RULEMAKING**, requesting the reallocation of Channel 272A from Roanoke Rapids, North Carolina, to Garysburg, North Carolina.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Sincerely,


John M. Pelkey

Enclosures
JMP/blr

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02-22

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of]	
]	
Amendment of Section 73.202(b)]	File No.
]	
Table of Allotments]	
FM Broadcast Stations]	
Roanoke Rapids, North Carolina, and]	
Garysburg, North Carolina]	

RECEIVED
FEB - 8 2002
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

Petition for Rulemaking

MainQuad Communications, Inc. ("MainQuad"), licensee of WPTM(FM), Roanoke Rapids, North Carolina, through counsel, hereby respectfully requests that the Commission institute a rulemaking to amend Section 73.202(b) of the Commission's rules, the Table of FM Allotments, to reallocate Channel 272A from Roanoke Rapids, North Carolina, to Garysburg, North Carolina, and to modify the license of WPTM(FM) to specify operation on Channel 272A at Garysburg, North Carolina.¹ In support of this proposal, MainQuad states as follows:

MainQuad is the licensee of WPTM(FM), which operates on Channel 272A. WPTM(FM)'s community of license is Roanoke Rapids, North Carolina. MainQuad seeks to change WPTM(FM)'s community of license from Roanoke Rapids, North Carolina, to Garysburg, North Carolina, because Garysburg, North Carolina has a need for local service whereas Roanoke Rapids is amply served by numerous stations. *See Modification of FM and TV Authorizations to Specify a New Community of License*, 4

FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (hereinafter referred to as “*Modification of FM and TV Authorizations*”).

I. Allocation of Channel 272 to Garysburg rather than Roanoke Rapids
would Better Serve the Commission’s Allocations Priorities.

Garysburg, North Carolina, is an incorporated community. Government of the community is through an elected mayor and commissioners. The town supports its own police force and is home to several churches and numerous businesses, including La Kitchen Delight, Turner’s Auto Sales, Garysburg Convenience Store, Agrijohn Homes and J & B Childcare Center. It has its own post office and zip code. It is home to the Garysburg Elementary School, the Garysburg Family Resource Center and the Garysburg Community Center. Garysburg currently has no broadcasting service allocated to it, however.²

By contrast, Roanoke Rapids, which presently is WPTM(FM)’s community of license, currently enjoys service from 6 broadcast stations. Specifically, according to the Commission’s CDBS database, Roanoke Rapids is the community of license of one AM station (WCBT), three FM stations other than WPTM(FM) (WPGT, WRTP-FM and WZRU) and one television station (WUNP-TV).

¹ Because the requested allocation of Channel 272 to Garysburg is mutually exclusive with the WPTM(FM) license, the proposal qualifies for treatment under Section 1.420(i) of the Commission’s rules.

² There is currently pending a Counterproposal in MM Docket 00-245 seeking to allocate Channel 276 to Garysburg as that community’s first local service. The Commission staff, apparently preliminarily persuaded that Garysburg is in need of first local service, has issued an Order to Show Cause that would require WSYM-FM, the licensee of which is a MainQuad affiliate, to change channel so as to accommodate the allocation of a channel to Garysburg. That counterproposal has not been adopted, however.

As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). 90 FCC2d 88, 91 (1982). More recently, the Commission has acknowledged that, because “there are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained[,] . . . as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied.” *Modification of FM and TV Authorizations*, 5 FCC Rcd at 7096 (¶ 16). Reallocation of Channel 272 from Roanoke Rapids to Garysburg would allow the Commission to achieve this de facto highest of allotment priorities.

II. The Reallocation of Channel 272 from Roanoke Rapids to Garysburg Can be Accomplished in Full Compliance With the Commission’s Policies and Engineering Criteria.

Moreover, the proposed reallocation can be effectuated in full compliance with the Commission’s policies and rules. In that regard, two criteria come into play: first, does the proposal allow the continuation of service in the former community of license?; second, does the proposal satisfy the Commission’s engineering standards? The instant proposal satisfies both of these criteria.

With respect to the first criterion, because Roanoke Rapids would continue to enjoy service from numerous broadcast outlets after Channel 272 is reallocated to Garysburg, the proposal is consistent with the procedures for reallocating a channel from

one community to another that were sanctioned by the Commission in *Modification of FM and TV Authorizations*.

The proposal also satisfies the second criterion inasmuch as it complies with the Commission's spacing and city-grade coverage requirements. As is set forth in the table included as Exhibit 1 hereto, Channel 272A can be allocated to Garysburg in full compliance with the spacing rules through the imposition of a 9.5 km site restriction.³ The map included as Exhibit 2 depicts that, from the specified reference coordinates, the facility would be able to achieve coverage of all of Garysburg with a principal community contour.

III. MainQuad Will Apply for and Construct, as Applicable, the Facilities Necessary to Allow WPTM(FM) to Place the Requisite City-Grade Signal Over Garysburg.

MainQuad hereby commits that, if Channel 272A is allocated to Garysburg, it will file the requisite application for WPTM(FM) so as to allow the station to place the requisite signal over Garysburg and to promptly implement that authorization, through construction or otherwise, upon grant of the application. In this regard, MainQuad notes that its engineer has concluded that WPTM(FM) places a city-grade signal over Garysburg with its currently-licensed facilities. As a result, favorable action on the instant proposal would permit an immediate commencement of first local service to Garysburg.

³ The reference coordinates used in the spacing study are: 36°, 29', 22" NL; 77°, 39', 08" WL.

Conclusion

For the reasons stated above, the public interest would be served by the reallocation of Channel 272A from Roanoke Rapids, North Carolina, to Garysburg, North Carolina. Accordingly, MainQuad respectfully requests that the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:


Community	Present	Proposed
Roanoke Rapids, North Carolina	272A	-----
Garysburg, North Carolina	-----	272A

MainQuad also requests that the WPTM(FM) license be modified to specify Garysburg as the station's community of license.

Respectfully submitted,

MAINQUAD COMMUNICATIONS, INC.

By:


John M. Pelkey
Its Attorney

Garvey, Schubert & Barer
5th Floor, 1000 Potomac Street, N.W.
Washington, DC 20007

202/965-7880

Date: February 8, 2002

Exhibit 1

Spacing Study

WPTM
Proposed Allocation to Garysburg

REFERENCE
36 29 22 N
77 39 08 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 01-19-02
SEARCH 02-07-02

----- Channel 272 - 102.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WPTM	LIC 272A	Roanoke Rapids	NC	8.59	280.4	115.0	-106.41
ALLO	USE 272A	Roanoke Rapids	NC	8.59	280.4	115.0	-106.41
WERXFM	LIC 273C1	Columbia	NC	133.43	118.1	133.0	0.43
ALLO	USE 273A	Louisburg	NC	72.49	233.5	72.0	0.49
WHLQ	LIC 273A	Louisburg	NC	77.17	238.0	72.0	5.17
RDEL	DEL 272A	Goldsboro	NC	125.37	195.0	115.0	10.37
WRXL	LIC 271B	Richmond	VA	125.44	5.5	113.0	12.44
ALLO	USE 271B	Richmond	VA	125.45	5.6	113.0	12.45
ALLO	USE 272A	Goldsboro	NC	127.98	194.7	115.0	12.98
RADD	ADD 272A	Smithfield	NC	128.28	208.5	115.0	13.28
WK1X	LIC 272A	Goldsboro	NC	128.73	199.9	115.0	13.73
AP270	APP 270L1	Washington	VA	44.76	297.0	29.0	15.76
WERXFM	LIC 273C2	Columbia	NC	133.43	118.1	106.0	27.43
ALLO	USE 273C1	Columbia	NC	160.90	122.0	133.0	27.90
WLQMFM	LIC 269A	Franklin	VA	61.03	68.6	31.0	30.03
ALLO	USE 269A	Franklin	VA	62.77	65.2	31.0	31.77
WJMH	LIC 271C	Reidsville	NC	206.70	264.1	165.0	41.70
ALLO	USE 271C	Reidsville	NC	206.91	264.0	165.0	41.91
WBKU.C	CP 219C2	Ahoskie	NC	59.13	137.6	15.0	44.13
WBKU.A	APP 219C2	Ahoskie	NC	59.13	137.6	15.0	44.13
WBKU.C	CP 219C2	Ahoskie	NC	59.25	137.7	15.0	44.25
ALLO	USE 275B	Norfolk	VA	117.15	74.9	69.0	48.15
WOWI	LIC 275B	Norfolk	VA	117.15	74.9	69.0	48.15
W274AB	LIC 274D	Petersburg	VA	79.87	14.7	26.0	53.87
W274AK	LIC 274D	Wilson	NC	82.75	194.4	26.0	56.75
ALLO	VAC 274C1	Appomattox	VA	138.31	313.0	75.0	63.31
CP273	CP 273L1	Williamsburg	VA	120.36	40.6	56.0	64.36
WWHV.C	CP 271A	Virginia Beach	VA	137.56	77.3	72.0	65.56
WIKS	LIC 270C1	New Bern	NC	148.89	163.6	75.0	73.89
ALLO	USE 270C1	New Bern	NC	148.89	163.6	75.0	73.89

Exhibit 2

City-grade Coverage

